

**MITCHELL v. MINNESOTA LIFE, ET AL.  
ACTION NO. C07-05722 EMC ADR**

**DEFENDANT STANDARD INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

**EXHIBIT D**

- 1           2. For costs of suit incurred herein; and,  
2           3. For such other and further relief as the Court deems just and proper.

3     DATED: September 25, 2007

DONAHUE & HORROW LLP

  
MICHAEL B. HORROW  
Attorneys for Plaintiff

12           DEMAND FOR JURY TRIAL

14           Plaintiff hereby demands a trial by jury.

16     DATED: September 25, 2007

DONAHUE & HORROW LLP

  
MICHAEL B. HORROW  
Attorneys for Plaintiff

D-89

FILED

POS-010

FOR COURT USE ONLY

2007 NOV -7 PM 12:42

CLERK OF THE SUPERIOR COURT

DEPUTY

ATTORNEY OR PARTY WITHOUT ATTORNEY MICHAEL HORROW SBN 162917 DONAHUE & HORROW, LLP 222 NO. SEPULVEDA BLVD. 20TH FLOOR EL SEGUNDO CA 90245 310-335-2006 ATTORNEY FOR Plaintiff	Alameda Pleasanton 5672 Stoneridge Dr Pleasanton CA 94588
PLAINTIFF/PETITIONER: Randy R. Mitchell D.D.S.	CASE NUMBER:
DEFENDANT/RESPONDENT: Minnesota Life et al.	VC07348221
PROOF OF SERVICE OF SUMMONS	
Ref No. or File No.: 1062-001	

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the:

CIVIL CASE COVER SHEET  
COMPLAINT  
SUMMONS

3a. Party served:

STANDARD INSURANCE COMPANY,  
BY SERVING CHARLOTTE RIDDLE, AGENT FOR SERVICE

4. Address where party was served:

15260 VENTURA BLVD  
SUITE 825  
SHERMAN OAKS CA 91403

5. I served the party

b. By substituted service. On: 10/15/07 at 11:30AM I left the documents listed in item 2 with or in the presence of:

JEANNE LEE

SECRETARY

(1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.

(4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left

BY FAX

CONTINUED ON THE NEXT PAGE

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PLAINTIFF/PETITIONER:	Randy R. Mitchell D.D.S.	CASE NUMBER:
DEFENDANT/RESPONDENT:	Minnesota Life et al,	VC07348221

(Code Civ. Proc., Section 415.20). I mailed the documents on

A DECLARATION OF MAILING IS ATTACHED.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

d. On behalf of:

STANDARD INSURANCE COMPANY,  
BY SERVING CHARLOTTE RIDDLE, AGENT FOR SERVICE

under the following Code of Civil Procedure section:

416.10 (corporation)

7. Person who served papers

- a. Name: HECTOR MACALE
- b. Address: 1199 MONTEREY PASS ROAD MONTEREY PARK, CA 91754
- c. Telephone Number: 323-526-7300
- d. The fee for service was: \$59.50
- e. I am:
  - (3) [ X ] registered California process server:
  - (I) [ X ] Employee
  - (II) Registration No.: 5180 Expires: 04/12/09
  - (III) County: LOS ANGELES

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/16/07

HECTOR MACALE

RAPID LEGAL, LOS ANGELES CO. REG # 1107, EXPIRES 02-14-09

Form Adopted for Mandatory Use  
Judicial Council of California PDS-010  
(Rev. January 1, 2007)

PROOF OF SERVICE OF SUMMONS

Code of Civil Procedure, § 417.10

Invoice No.: 574316

D-91

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NUMBER	FOR COURT USE ONLY	
MICHAEL HORROW SBN 162917 DONAHUE & HORROW, LLP 222 NO. SEPULVEDA BLVD. 20TH FLOOR EL SEGUNDO CA 90245 ATTORNEY FOR Plaintiff		310-335-2006		
		Ref. No. or File No.		
		1062-001		
Insert name of court and name of judicial district and branch if any.				
Alameda Pleasanton 5672 Stoneridge Dr Pleasanton CA 94588				
SHORT TITLE OF CASE:				
Randy R. Mitchell D.D.S. v Minnesota Life et al.				
INVOICE NO.	DATE:	TIME:	DEP./DIV.	CASE NUMBER:
574316				VC07348221

## PROOF OF SERVICE BY MAIL

I AM A CITIZEN OF THE UNITED STATES AND EMPLOYED IN THE COUNTY OF LOS ANGELES STATE OF CALIFORNIA. I AM AND WAS ON THE DATES HEREIN MENTIONED, OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ACTION.  
 ON 10/16/07 AFTER SUBSTITUTED SERVICE UNDER SECTION 415.20(a) OR 415.20(b)

C.C.P., WAS MADE, I SERVED THE WITHIN:

CIVIL CASE COVER SHEET  
 COMPLAINT  
 SUMMONS

ON THE DEFENDANT, IN SAID ACTION BY PLACING A TRUE COPY THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON PRE-PAID FOR FIRST CLASS IN THE UNITED STATES MAIL AT: MONTEREY PARK, CALIFORNIA, ADDRESSED AS FOLLOWS:

STANDARD INSURANCE COMPANY,  
 BY SERVING CHARLOTTE RIDDLE, AGENT FOR SERVICE

15260 VENTURA BLVD  
 SUITE 825  
 SHERMAN OAKS CA 91403

DECLARANT: TERESA GUARDADO

RAPID LEGAL  
 1199 MONTEREY PASS ROAD  
 MONTEREY PARK, CA 91754  
 323-526-7300 FAX 323-526-7377

- d. Registered California process server  
 (1) [ ] Employee or [ X ] Independent Contractor  
 (2) Registration No. 5612  
 (3) County: LOS ANGELES  
 (4) Expiration: 02/06/08

I declare under penalty of perjury, under the laws of the state of California that the foregoing is true and correct.

DATE: 10/16/07

>  
 SIGNATURE

D-92

HHJ  
POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY MICHAEL HORROW SBN 162917 DONAHUE & HORROW, LLP 222 NO.SEPULVEDA BLVD. 20TH FLOOR EL SEGUNDO CA 90245 310-335-2006	FOR COURT USE ONLY  <b>FILED</b> ALAMEDA COUNTY  OCT 26 2007  CLERK OF THE SUPERIOR COURT By <i>Susan Eustace</i> Deputy
ATTORNEY FOR Plaintiff  Alameda Pleasanton 5672 Stoneridge Dr Pleasanton CA 94588	
PLAINTIFF/PETITIONER: Randy R. Mitchell D.D.S.	CASE NUMBER:
DEFENDANT/RESPONDENT: Minnesota Life et al.	VG07348221
<b>PROOF OF SERVICE OF SUMMONS</b>	
Ref No. or File No.: 1062-001	

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the:

summons and complaint  
civil case cover sheet

3a. Party served:

MINNESOTA LIFE INSURANCE  
COMPANY

3b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made)

TYNESHA WOOLFORK  
AUTHORIZED AGENT FOR SERVICE

4. Address where party was served:

818 WEST 7TH STREET  
# 200  
LOS ANGELES CA 90017

5. I served the party

a. By personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party

(1) on: 10/24/07 (2) at: 1:20PM

6. The "Notice to the Person Served" (on the summons) was completed as follows:

CONTINUED ON THE NEXT PAGE

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PLAINTIFF/PETITIONER:	Randy R. Mitchell D.D.S.	CASE NUMBER:
DEFENDANT/RESPONDENT:	Minnesota Life et al.	VG07348221

d. on behalf of:

MINNESOTA LIFE INSURANCE  
COMPANY

under the following Code of Civil Procedure section:

416.10 (corporation)

7. Person who served papers
  - a. Name: JACK TINOCO
  - b. Address: 1199 MONTEREY PASS RD MONTEREY PARK, CA 91754
  - c. Telephone Number: 323-526-7300
  - d. The fee for service was: \$59.50
  - e. I am:
    - (3) [ X ] registered California process server:
      - (i) [ X ] Employee
      - (ii) Registration No.: 3107 Expires: 02/27/09
      - (iii) County: LOS ANGELES
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

10/25/07

JACK TINOCO

RAPID LEGAL, LOS ANGELES CO. REG # 1107, EXPIRES 2-14-07

Form Adopted for Mandatory Use  
Judicial Council of California PCG-010  
(Rev. January 1, 2007)

PROOF OF SERVICE OF SUMMONS

Code of Civil Procedure, § 417.10

Invoice No.: 581099

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 Page 3

**Notice of Judicial Assignment for All Purposes**

Case Number: VG07348221  
Case Title: Mitchell VS Minnesota Life Insurance Company  
Date of Filing: 09/26/2007

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This case is hereby assigned for all purposes to:

Judge: David Hunter  
Department: 520  
Address: Hayward Hall of Justice  
24405 Amador Street  
Hayward CA 94544  
Phone Number: (510) 690-2729  
Fax Number: (510) 267-1531  
Email Address: Dept.520@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure §170.8 must be exercised within the time period provided by law. (See Govt. Code 68016(); Motion Picture and Television Fund Hosp. v. Superior Court (2001) 88 Cal.App.4th 488, 494; and Code Civ. Proc. §1013.)

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

All pleadings and other documents must be filed in the clerk's office at any court location except when the Court permits the lodging of material directly in the assigned department. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO  
JUDGE David Hunter  
DEPARTMENT 520

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Notice of Judicial Assignment for All Purposes Issued

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Counsel are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at: <http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

The parties are always encouraged to consider using various alternatives to litigation, including mediation and arbitration, prior to the initial Case Management Conference. The Court may refer parties to alternative dispute resolution resources.

If all parties agree to change a scheduled court date, the parties must first send a fax letter to Department 520 outlining the requested schedule change and then contact the Courtroom Clerk to schedule a telephone conference with the Court.

Please submit a courtesy copy of all filed documents directly to Department 520.

**Schedule for Department 520**

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Mondays, Tuesdays and Thursdays from 10:00 a.m. to 4:30 p.m. and Wednesdays from 10:00 a.m. to 4:00 p.m.
- Case Management Conferences are held: Mondays through Thursdays at 9:00 a.m.
- Law and Motion matters are heard: Fridays at 9:30 a.m.
- Settlement Conferences are heard: Fridays at 1:30 p.m.
- Ex Parte matters are heard: Mondays and Wednesdays at 9:30 a.m.

**Law and Motion Procedures**

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations  
Phone: (510) 690-2729
- Ex Parte Matters  
Phone: (510) 690-2729

**Tentative Rulings**

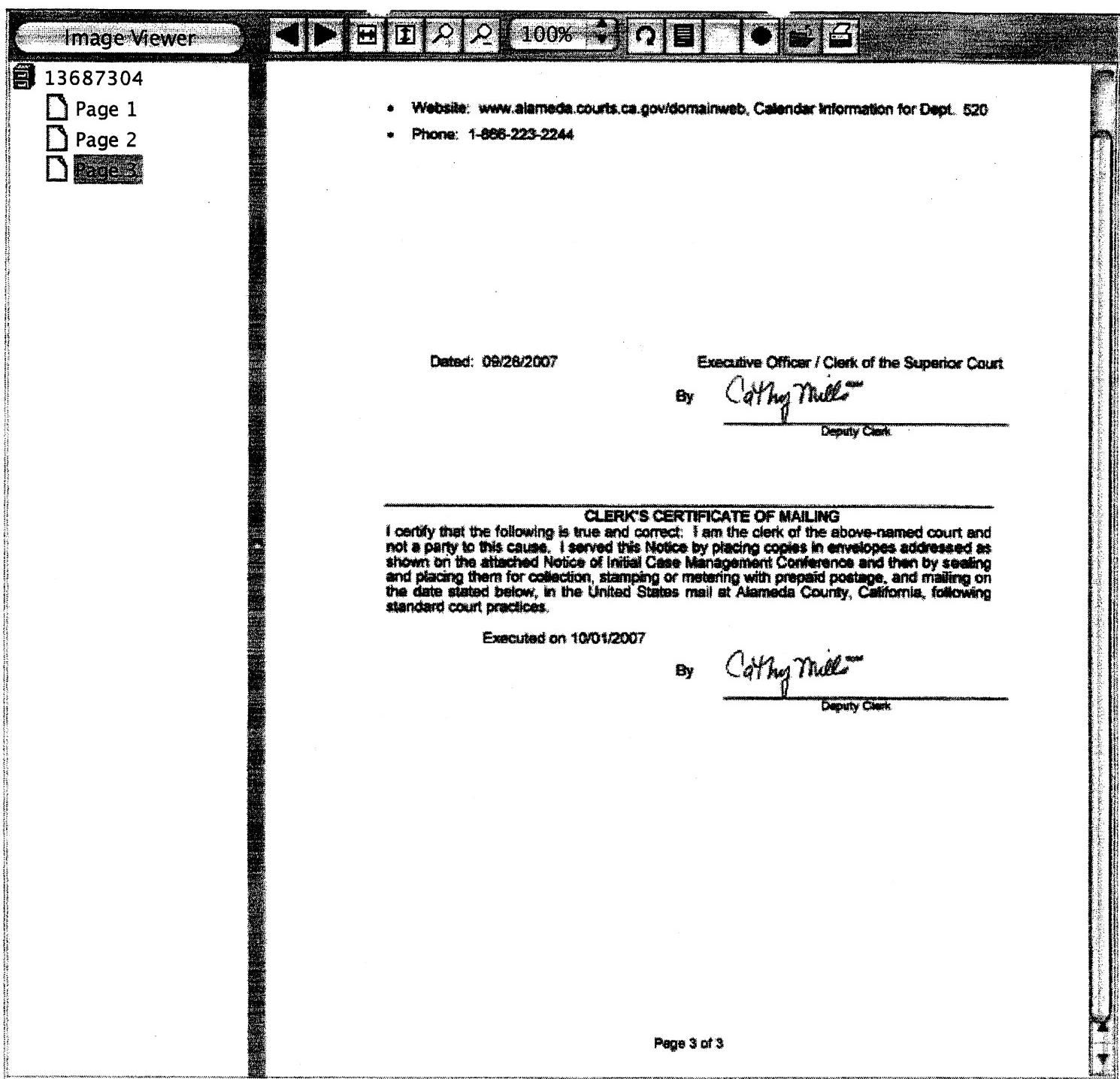
The court will issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

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## Notice of Judicial Assignment for All Purposes Issued

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Donahue & Horow LLP  
Attn: Horow, Michael B.  
222 North Sepulveda Blvd.  
20th Flr.  
El Segundo, CA 90245

Superior Court of California, County of Alameda

Mitchell Plaintiff/Petitioner(s)  
vs.  
Minnesota Life Insurance Company Defendant/Respondent(s)  
(Abbreviated Title)

No. VI07348221

NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER  
Unlimited Jurisdiction

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD.  
Notice is given that a Case Management Conference has been scheduled as follows:

Date: 02/11/2008	Department: 520	Judge: David Hunter
Time: 09:00 AM	Location: Hayward Hall of Justice 3rd Floor 24485 Amador Street, Hayward, CA 94544	Clerk: Lindaell Williams Clerk (telephone): (510) 690-2729 E-mail: Dept.520@alameda.courts.ca.gov Fax: (510) 267-1531
		Internet: <a href="http://www.alameda.courts.ca.gov">http://www.alameda.courts.ca.gov</a>

**ORDERS**

1. You must:
  - a. Serve all named defendants and file proof of service on those defendants with the court within 60 days of the filing of the complaint (CRC 3.110(b));
  - b. Give notice of this conference to any party not included in this notice and file proof of service;
  - c. Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 calendar days before the date set for the Case Management Conference;
  - d. File and serve a completed Case Management Conference Statement (use of Judicial Council Form CM 110 is mandatory) at least 15 days before the Case Management Conference (CRC 3.723);
2. If you do not follow the orders above, you are hereby ordered to show cause why you should not be sanctioned under CRC 2.30. The hearing on the Order to Show Cause re: Sanctions will be at the same time as the Case Management Conference. Sanctions may include monetary sanctions and any other sanction permitted by law, including striking pleadings or dismissing the action.
3. You are further ordered to appear in person\* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.
4. The Direct Calendar Judge will issue orders at the conclusion of the conference that should include:
  - a. Referring to ADR and setting an ADR completion date;
  - b. Dismissing or severing claims or parties;
  - c. Setting a trial date.

\*Telephonic appearances at Case Management Conferences may be available by contacting CourCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties may make arrangements by calling 1-888-842-6876, or faxing a service request to 1-888-842-2946. This service is subject to charges by the vendor.

**CLERK'S CERTIFICATE OF MAILING**  
I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown herein and that by sealing and placing them for collection, stamping or marking with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 10/01/2007.

By *Cathy Mills*  
Deputy Clerk

Initial Case Management Conference 02/11/2008 09:00 AM D- 520

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